



UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEW JERSEY  
TRENTON VICINAGE

**Caption in Compliance with D.N.J. LBR 9004-2(c)**

STERN, LAVINTHAL & FRANKENBERG, LLC  
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Attorney for Secured Creditor,  
Arvest Central Mortgage Company

Order Filed on February 9, 2017  
by Clerk  
U.S. Bankruptcy Court  
District of New Jersey

In Re:

**Peter Kulas**

**Deborah Kulas**

Debtor(s).

Case No.: 16-16418-CMG

Chapter: 13

Hearing Date: February 1, 2017

Judge: Christine M. Gravelle, U.S.B.J.

**CONSENT ORDER RESOLVING MOTION TO VACATE STAY**

The consent order set forth on the following pages, numbered two (2) through three (3), is hereby **ORDERED**.

**DATED: February 9, 2017**

A handwritten signature in black ink, appearing to read "Christine M. Gravelle".

Honorable Christine M. Gravelle  
United States Bankruptcy Judge

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Debtor: Peter & Deborah Kulas

Case No: 16-16418-CMG

Caption: Consent Order Resolving Motion to Vacate Stay

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Applicant:	<u>Arvest Central Mortgage Company</u>
Applicant's Counsel:	<u>Stern Lavinthal &amp; Frankenberg, LLC</u>
Debtor's Counsel:	<u>Edward Hanratty, Esq.</u>
Property Involved ("Collateral"):	<u>1 Bruce Spruce Ct., Perrineville, NJ 08535</u>

Relief sought:

- Motion for relief from the automatic stay
- Motion to dismiss
- Motion for prospective relief to prevent imposition of automatic stay against the collateral by debtor's future bankruptcy filings

For good cause shown, it is **ORDERED** that Applicant's Motion(s) is (are) resolved, subject to the following conditions:

1. Status of post-petition arrearages:

- The Debtor is overdue for 4 months, from October 1, 2016 to January 1, 2017.
- The Debtor is overdue for 4 payments at \$3,545.15 per month.
- Less suspense funds of \$2,129.80.

Total Arrearages Due \$12,050.80.

2. Debtor filed a Notice of Request for Loss Mitigation Program on or about January 13, 2017. Debtor must have the DMM Portal opened within ten (10) days of the date of this Consent Order.
3. Beginning on February 1, 2017 adequate protection payments shall resume, in the amount of \$2,551.37 (60% Principal & Interest and 100% Escrow) while the application for Loss Mitigation is pending.
4. If a Loan Modification is not approved by April 1, 2017 (or other date extended by court order). Secured Creditor will promptly notify the trustee, with copy to Debtor's attorney, and within thirty (30) days of such notification, the Debtor shall 1) Cure all outstanding post-petition arrearages to Secured Creditor; 2) file a Modified Plan to surrender subject property; 3) file a Notice to Convert to a Chapter 7; or 4) file a Notice to Dismiss Case.

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Debtor: Peter & Deborah Kulas

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3. Payments to the Secured Creditor shall be made to the following address(es):

✓ Monthly adequate protection payment:

Central Mortgage Company

P.O. Box 8045

Little Rock, AR 72203

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In the event of Default:

If the Debtors fail to make the immediate payment specified above or fail to make any regular monthly payment or the additional monthly cure payment within thirty (30) days of the date the payments are due, then the Secured Creditor may obtain an Order Vacating the Automatic Stay as to the Collateral by filing, with the Bankruptcy Court, a Certification specifying the Debtors' failure to comply with this Order. At the time the Certification is filed with the court, a copy of the Certification shall be sent to the Chapter 13 Trustee, the Debtors, and the Debtors' attorney.

If the bankruptcy case is dismissed, or if the automatic stay is vacated, the filing of a new bankruptcy case will not act to impose the automatic stay against the Secured Creditor's opportunity to proceed against its Collateral without further Order of the Court.

4. Award of Attorneys' Fees:

✓ The Applicant is awarded attorneys fees of \$350.00, and costs of \$181.00.

The fees and costs are payable through the Chapter 13 plan.

The undersigned hereby consent to the form and entry of the foregoing order

  
Edward Hanratty, Esq.  
Attorney for the Debtors

/s/ Jeanette F. Frankenberg, Esq.  
Jeanette F. Frankenberg, Esq.  
Attorney for Secured Creditor,  
*Arvest Central Mortgage Company*